

FLORIDA FIREWOOD REGULATION

CHAPTER 5B-65

FIREWOOD AND UNPROCESSED WOOD PRODUCTS

5B-65.001 Purpose

5B-65.002 Definitions

5B-65.003 Wood Boring Pests and Wood Inhabiting Pests that are Harmful to Florida Agriculture, Landscape Plants, and Native Plants

5B-65.004 Plant Disease Pathogens Infecting Firewood and Unprocessed Wood Products

5B-65.005 Movement of Regulated Articles

5B-65.001 Purpose.

The purpose of this rule chapter is to establish procedures to prevent the introduction of wood boring pests, wood inhabiting pests, and plant disease pathogens into the state, and prevent the spread of these pests within the state by regulating the movement of firewood and unprocessed wood products that can harbor wood boring and wood inhabiting pests and plant disease pathogens.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New 8-10-10.

5B-65.002 Definitions.

For the purpose of this rule chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) Commercial Shipments. Shipments of regulated articles intended for public or private sale or distribution within the state.

(2) Compliance Agreement. An agreement, meeting the requirements of subsection 5B-65.005(1), F.A.C., between a shipper and the state of origin pursuant to the Master Permit of the state of origin.

(3) Firewood. Cut wood products intended for burning.

(4) Infected. Regulated articles found with plant disease pathogens.

(5) Infested. Regulated articles found with plant pests.

(6) Master Permit. A permit issued by the department to the state of origin allowing the movement of regulated articles into and within the state and specifying the conditions under which the regulated articles are allowed to be moved.

(7) Plant Disease Pathogen. Any organism that can infect plants and cause plant disease.

(8) Producers. Individuals or companies responsible for cutting, packing or distributing regulated articles into or within the state.

(9) Regulated Articles. Firewood or unprocessed wood products including palm products and cut Christmas trees.

(10) Shippers. Individuals or companies responsible for sending or transporting regulated articles into the state.

(11) Unprocessed wood products. Bark, trunks, limbs, stumps or other woody plant material that results from yard waste, tree trimming, tree removal including wood, incorporated into the construction of furniture, handicrafts, planting containers or other products that have not been treated, processed or finished to eliminate plant disease pathogens, wood boring pests, and wood inhabiting pests as defined in subsections 5B-65.002(7), (12), and (13), F.A.C.

(12) Wood boring pest. Any organism that physically bores into or through the woody part of a plant, including either the outer bark, the inner bark, and/or the stem wood.

(13) Wood inhabiting pest. Any organism that spends part of its life cycle within the woody part of a plant, including either the outer bark, the inner bark, and/or the stem wood.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (20) FS. History—New 8-10-10.

5B-65.003 Wood Boring Pests and Wood Inhabiting Pests that are Harmful to Florida Agriculture, Landscape Plants, and Native Plants.

The following wood boring and wood inhabiting pests are known to infest firewood and other unprocessed wood products and can be transported through the movement of these products to areas where they can infest and damage live host trees and other plants and are therefore considered to be a nuisance:

(1) *Agrilus planipennis*, emerald ash borer;

(2) *Anoplophora glabripennis*, Asian longhorned beetle;

(3) *Bursaphelenchus cocophilus*, red ring nematode;

- (4) *Dinapate wrighti*, giant palm borer;
- (5) *Hylurgus ligniperda*, red-haired pine bark beetle;
- (6) *Hylurgops palliates*, exotic bark beetle;
- (7) *Metamasius hemipterus*, silky cane weevil;
- (8) *Orthotomicus erosus*, Mediterranean pine engraver beetle;
- (9) *Rhynchophorus cruentatus*, palmetto weevil;
- (10) *Rhynchophorus ferrugineus*, red palm weevil;
- (11) *Rhynchophorus palmarum*, American palm weevil;
- (12) *Scaphoideus luteolus*, whitebanded elm leafhopper;
- (13) *Scolytus schevyrewi*, banded elm bark beetle;
- (14) *Sirex noctilio*, Sirex woodwasp;
- (15) *Tomicus piniperda*, pine shoot beetle;
- (16) *Xyleborus glabratus*, redbay ambrosia beetle;
- (17) *Xyleborus similis*.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031 (1), (4), (5), (6), (7), (20) FS. History—New 8-10-10.

5B-65.004 Plant Disease Pathogens Infecting Firewood and Unprocessed Wood Products.

Pathogens that cause the following plant diseases are known to infect firewood and unprocessed wood products and can be transported through the movement of these products to areas where they can infect and damage live host trees and other plants and are therefore considered to be a nuisance:

- (1) *Nectria coccinea* var *fagiolata* and *N. galligena*, beech bark disease;
- (2) *Discula destructiva*, dogwood anthracnose;
- (3) *Ophiostoma ulmi* and *O. novo-ulmi*, Dutch elm disease;
- (4) *Candidatus Phytoplasma ulmi*, elm yellows;

(5) *Raffaelea lauricola*, laurel wilt disease;

(6) *Ceratocystis fagacearum*, oak wilt disease;

(7) *Phytophthora ramorum*, sudden oak death.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031 (1), (4), (5), (6), (7), (20) FS. History—New 8-10-10.

5B-65.005 Movement of Regulated Articles.

(1) In order to prevent the introduction and spread of nuisance pests and diseases listed in Rules 5B-65.003 and 5B-65.004, F.A.C., the movement of commercial shipments of regulated articles into the state is prohibited except under a Master Permit (Master Permit For Wood Products, DACS-08444, 06/09) issued by the Department. Such permit will stipulate the conditions under which the regulated articles can be moved into the state. The Master Permit for Firewood and Unprocessed Wood Products, DACS-08444, 06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. The Master Permit will require all shippers of regulated articles to be under compliance with the state of origin's plant regulatory organization. A Compliance Agreement issued under a Master Permit shall indicate the requirements for inspections and/or treatments. Only heat, fumigation, or chemical treatments in accordance with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine Treatment Manual (Rev. 09/2008), Treatment Schedules T312 – Oak Logs and Lumber and T314 – Logs and Firewood, shall be required in the compliance agreement. The Treatment Schedules are herein incorporated by reference and may be obtained from the following website: http://www.aphis.usda.gov/import_export/plants/manuals/ports/treatment.shtml.

(2) Any shipment of firewood or unprocessed wood products found infested or infected with a wood boring or wood inhabiting pest or plant disease pathogen listed in Rule 5B-65.003 or 5B-65.004, F.A.C., shall be quarantined and returned to the shipper or producer or destroyed by the Department at the expense of the shipper. Infested or infected regulated articles will be placed under Stop Sale and Hold Order DACS-08016, Rev. 2/10. DACS Form 08016, Rev. 2/10 is hereby incorporated by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. Commercial shipments entering the state through the Department's agricultural interdiction stations without certification of compliance with the Master Permit of the state of origin shall be issued a Report of Plant and Plant Material in Transit, DACS Form 08003, Rev. 5/10. DACS Form 08003, Rev. 5/10 is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. Non-commercial shipments entering the state through the Department's agricultural interdiction stations without certification will be allowed entry only when issued and accompanied by a Report of Non-Commercial

(Homeowner) Plants or Firewood Without Certification in Transit from Other States DACS-08105, Rev. 06/09, issued at the station. DACS form 08105, Rev. 06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100. Commercial shippers found in violation of the rule will be suspended from shipping under the master permit issued with the state of origin. The suspension shall remain in effect until the Department of Agriculture of the state of origin has notified the Division of Plant Industry in writing that the shipper is in compliance with all requirements for treatment of firewood or unprocessed wood products.

(3) The destruction or return of shipments in violation of this rule chapter shall be at the expense of the shipper.

(4) Prior to the intrastate movement of commercial shipments of firewood or unprocessed wood products, the owner of the articles must submit DACS 08459, Rev.06/09, Compliance Agreement for Firewood and Unprocessed Wood Products Movement Within the State of Florida to the Division of Plant Industry unless exempted in subsection (7). The form Compliance Agreement for Firewood and Unprocessed Wood Products Movement Within the State of Florida, DACS 08459, Rev.06/09, is incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32614-7100.

(5) The importation or movement of non-certified, commercial or non-commercial shipments of firewood or unprocessed wood products within or into the state is prohibited except as permitted in subsection (7).

(6) Cut Christmas trees may enter the state provided they are accompanied by a federal certificate required for movement from regulated areas of the United States or a certificate of inspection issued by the Department of Agriculture in the state of origin.

(7) Exemptions:

(a) Locally produced or harvested firewood and unprocessed wood products harvested or produced within a 50-mile radius of the distribution point and not moved more than 50-miles from the point of origin. Regulated articles from locations in states contiguous to Florida that are harvested or produced within 50 miles of a Florida distribution point may enter Florida for direct transport to the distribution point without a certificate of treatment if the articles are accompanied by a proper bill of lading, proof of origin, and any applicable federal certificates for shipments originating from a USDA-regulated area. No locally produced firewood outside Miami-Dade County may enter Miami-Dade County unless treated and certified in accordance with Rule 5B-65.005, F.A.C., by the Department.

(b) Primary and secondary forest products (including saw logs, saw timber, chip-n-saw, sawdust, veneer logs, pulpwood, wood for pallets, pole wood, dead pine distillate wood,

pellets and chips) originating from states contiguous to Florida and transported for processing at mills and plants (including pulp/paper mills, saw mills, plywood plants, OSB plants, pole plants, mulch plants, and biomass plants).

(c) Commercial shipments of processed mulch or processed wood chips for cooking destined for further distribution at retail outlets if the shipments are accompanied by proper bill of lading, proof of origin and any applicable federal certificates for shipments originating from a USDA-regulated area.

Rulemaking Authority 570.07(23), 581.031(1), (4), (5), (7) FS. Law Implemented 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (20) FS. History—New 8-10-10.